

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONTIE S. MITCHELL,

Petitioner,

-v.-

Civil Action No.
9:03-cv-19 (GLS/VEB)

ROBERT WOODS, Superintendent
of the Upstate Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

DONTIE S. MITCHELL
Plaintiff Pro Se
98-A-0071
Upstate Correctional Facility
P.O. Box 2001
Malone, New York 12953

FOR THE RESPONDENT:

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
The Capitol
Albany, New York 12224

BRIDGET ERIN HOLOHAN, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed May 15, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

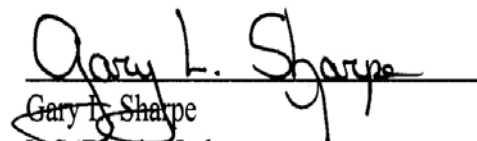
ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed May 15, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied and the petition is dismissed, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Respondent and close this case.

IT IS SO ORDERED

Dated: July 6, 2007
Albany, New York


Gary L. Sharpe
U.S. District Judge